

SENATE BILL 781

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2004 Regular Session  
4r2819  
CF 4r1215

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By: **Senator Giannetti**

Introduced and read first time: February 13, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Office for Children, Youth, and Families - Residential Child Care Programs -**  
3 **Children in Out-of-Home Placement**

4 FOR the purpose of requiring the Special Secretary of the Office for Children, Youth,  
5 and Families to adopt certain regulations related to the licensing of certain  
6 residential child care programs and qualifications for certain direct care staff in  
7 the programs; requiring each residential child care program to make certain  
8 efforts to establish certain community advisory boards within a certain period;  
9 requiring a community advisory board to perform certain duties; requiring each  
10 residential child care program to register its community advisory board with the  
11 agency that licenses programs; requiring the Office, in consultation with the  
12 Department of Juvenile Services, the Department of Human Resources, and the  
13 Department of Health and Mental Hygiene, to adopt certain regulations  
14 requiring each residential child care program to employ a certified program  
15 administrator by a certain date; requiring the Office for Children, Youth, and  
16 Families to develop, coordinate, and implement a certain systematic evaluation  
17 of services provided to children in out-of-home placement; establishing the  
18 purposes of the system for outcome evaluation; requiring the Office to ensure  
19 that a certain database maintains the confidentiality of certain information;  
20 requiring a cooperating department to take certain actions; requiring the Office  
21 to make a certain report to the General Assembly; requiring the Special  
22 Secretary to establish a program to provide an individual summer plan for each  
23 child in a residential child care program; establishing the purpose of the  
24 program; requiring each residential child care program to make certain annual  
25 reports; prohibiting, after a certain date, the placement of children committed to  
26 the Department of Juvenile Services in a group home or residential facility that  
27 also accepts children committed to another unit of State government; requiring  
28 the Department of Juvenile Services to ensure that, by a certain date, certain  
29 children be placed in a certain regional facility; requiring certain group homes to  
30 make certain reports to the Department; prohibiting the Department from  
31 placing a child in a certain group home or residential facility without first  
32 making a certain on-the-record determination; defining certain terms; and  
33 generally relating to the Office for Children, Youth, and Families.

34 BY repealing and reenacting, without amendments,

1 Article 49D - Office for Children, Youth, and Families  
2 Section 2 and 4(b)(2), (5), and (9)  
3 Annotated Code of Maryland  
4 (2003 Replacement Volume)

5 BY repealing and reenacting, with amendments,  
6 Article 49D - Office for Children, Youth, and Families  
7 Section 4(b)(15)  
8 Annotated Code of Maryland  
9 (2003 Replacement Volume)

10 BY adding to  
11 Article 49D - Office for Children, Youth, and Families  
12 Section 4.4, 4.5, 4.6, 4.7, and 4.8  
13 Annotated Code of Maryland  
14 (2003 Replacement Volume)

15 BY repealing and reenacting, without amendments,  
16 Article 83C - Juvenile Services  
17 Section 1-101(a) and (b)  
18 Annotated Code of Maryland  
19 (2003 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Article 83C - Juvenile Services  
22 Section 2-120  
23 Annotated Code of Maryland  
24 (2003 Replacement Volume)

25 BY adding to  
26 Article 83C - Juvenile Services  
27 Section 2-120.1  
28 Annotated Code of Maryland  
29 (2003 Replacement Volume)

30 BY repealing and reenacting, without amendments,  
31 Article - Family Law  
32 Section 5-101  
33 Annotated Code of Maryland  
34 (1999 Replacement Volume and 2003 Supplement)

35 BY repealing and reenacting, with amendments,  
36 Article - Family Law

1 Section 5-526  
2 Annotated Code of Maryland  
3 (1999 Replacement Volume and 2003 Supplement)

4 BY adding to  
5 Article - Education  
6 Section 8-418  
7 Annotated Code of Maryland  
8 (2001 Replacement Volume and 2003 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article 49D - Office for Children, Youth, and Families**

12 2.

13 (a) The Special Secretary of the Office for Children, Youth, and Families is  
14 responsible for overseeing the general policy for children, youth, and family services  
15 in the State.

16 (b) (1) The policy shall be to promote a stable, safe, and healthy  
17 environment for children and families, thereby increasing self-sufficiency and family  
18 preservation.

19 (2) This requires a comprehensive, coordinated interagency approach to  
20 provide a continuum of care that is family and child oriented and emphasizes  
21 prevention, early intervention, and community-based services. Priority shall be given  
22 to children and families most at risk.

23 4.

24 (b) The Special Secretary shall:

25 (2) Examine public and private programs, services, and plans for  
26 children, youth, and their families for the purpose of identifying duplications,  
27 inefficiencies, and unmet needs and evaluating the effectiveness of those programs,  
28 services, and plans;

29 (5) In consultation with the Secretaries of Health and Mental Hygiene,  
30 Human Resources, and Juvenile Services, and the State Superintendent of Schools,  
31 develop an interagency plan that reflects the priorities for children, youth, and family  
32 services;

33 (9) Promote interagency consensus and, with the concurrence of the  
34 Governor, resolve conflicting agency positions on issues relating to children, youth,  
35 and family services;

1 (15) Adopt rules and regulations necessary to carry out the provisions of  
2 this article, INCLUDING:

3 (I) REGULATIONS RELATING TO LICENSING RESIDENTIAL CHILD  
4 CARE PROGRAMS; AND

5 (II) REGULATIONS ESTABLISHING QUALIFICATIONS FOR DIRECT  
6 CARE STAFF IN RESIDENTIAL CHILD CARE PROGRAMS IN ACCORDANCE WITH § 4.4 OF  
7 THIS ARTICLE;

8 4.4.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (2) "DIRECT CARE STAFF" MEANS STAFF ASSIGNED TO PERFORM  
12 DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP,  
13 AND SOCIALIZATION SKILLS OF THE CHILDREN IN THE PROGRAM.

14 (3) (I) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT  
15 PROVIDES 24-HOUR PER DAY CARE FOR CHILDREN WITHIN A STRUCTURED SET OF  
16 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES  
17 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT INCLUDE THE  
18 PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH,  
19 MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND  
20 ACTIVITIES.

21 (II) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES, AS THESE  
22 TERMS ARE DEFINED BY LAW:

23 1. GROUP HOMES;

24 2. THERAPEUTIC GROUP HOMES;

25 3. SHELTER CARE PROGRAMS; AND

26 4. RESIDENTIAL FACILITIES FOR CHILDREN WITH  
27 DEVELOPMENTAL DISABILITIES.

28 (B) (1) THE SPECIAL SECRETARY SHALL ADOPT REGULATIONS THAT  
29 REQUIRE THAT ALL DIRECT CARE STAFF OF A RESIDENTIAL CHILD CARE PROGRAM  
30 LICENSED BY AN AGENCY MEET CERTAIN QUALIFICATIONS BY JANUARY 1, 2008.

31 (2) AT A MINIMUM, THE REGULATIONS SHALL REQUIRE DIRECT CARE  
32 STAFF TO:

33 (I) BE AT LEAST 21 YEARS OLD;

34 (II) 1. HAVE AN ASSOCIATE OF ARTS DEGREE FROM AN  
35 ACCREDITED COLLEGE OR UNIVERSITY BASED ON A CURRICULUM APPROVED BY  
36 THE MARYLAND HIGHER EDUCATION COMMISSION; OR



1 DEPARTMENT OF JUVENILE SERVICES, SHALL ADOPT REGULATIONS TO ESTABLISH  
2 STANDARDS AND PROCEDURES FOR COMMUNITY ADVISORY BOARDS.

3 (E) EACH RESIDENTIAL CHILD CARE PROGRAM SHALL REGISTER ITS  
4 COMMUNITY ADVISORY BOARD WITH THE AGENCY THAT LICENSES THE PROGRAM.

5 4.6.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) "PROGRAM ADMINISTRATOR" HAS THE MEANING STATED IN § 4.5 OF  
9 THIS ARTICLE.

10 (3) "RESIDENTIAL CHILD CARE PROGRAM" HAS THE MEANING STATED  
11 IN § 4.4 OF THIS ARTICLE.

12 (B) (1) THE OFFICE, IN CONSULTATION WITH THE DEPARTMENT OF HUMAN  
13 RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE  
14 DEPARTMENT OF JUVENILE SERVICES, SHALL ADOPT REGULATIONS ESTABLISHING  
15 A PROGRAM TO CERTIFY THE PROGRAM ADMINISTRATOR OF A RESIDENTIAL CHILD  
16 CARE PROGRAM THAT IS LICENSED BY THE DEPARTMENT OF HUMAN RESOURCES,  
17 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPARTMENT OF  
18 JUVENILE SERVICES.

19 (2) BY JANUARY 1, 2006, EACH RESIDENTIAL CHILD CARE PROGRAM  
20 SHALL EMPLOY A PROGRAM ADMINISTRATOR WHO IS CERTIFIED UNDER THIS  
21 SECTION.

22 4.7.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (2) "COOPERATING DEPARTMENT" MEANS EACH UNIT OF THE STATE  
26 GOVERNMENT RESPONSIBLE FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

27 (3) (I) "OUT-OF-HOME PLACEMENT" MEANS:

28 1. THE REMOVAL OF A CHILD FROM THE CHILD'S FAMILY;  
29 AND

30 2. THE PLACEMENT OF THE CHILD BY AN AUTHORIZED  
31 AGENCY OR COURT IN A PUBLIC OR PRIVATE FACILITY OR WITH OTHER PERSONS  
32 WHO ASSUME RESPONSIBILITY FOR THE DAILY CARE, SUPERVISION, TREATMENT,  
33 AND EDUCATION OF THE CHILD.

34 (II) "OUT-OF-HOME PLACEMENT" INCLUDES FOSTER CARE,  
35 RESIDENTIAL GROUP CARE, RESIDENTIAL TREATMENT CARE, AND A PRIVATE  
36 THERAPEUTIC GROUP HOME.

1 (III) "OUT-OF-HOME PLACEMENT" DOES NOT INCLUDE KINSHIP  
2 CARE.

3 (4) "SYSTEM FOR OUTCOMES EVALUATION" MEANS AN OBJECTIVE,  
4 STANDARDIZED, AND UNIFORM METHOD OF MEASURING THE EFFECTIVENESS OF  
5 PROGRAMS SERVING THE NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENT.

6 (B) (1) THE OFFICE SHALL DEVELOP A SYSTEM FOR OUTCOMES  
7 EVALUATION.

8 (2) THE OFFICE IS RESPONSIBLE FOR COORDINATING THE PLANNING  
9 AND IMPLEMENTATION OF THE SYSTEM FOR OUTCOMES EVALUATION.

10 (3) THE SYSTEM FOR OUTCOMES EVALUATION SHALL BE DEVELOPED  
11 TO ALLOW THE STATE TO:

12 (I) MONITOR THE CARE, SUPERVISION, EDUCATION, AND  
13 TREATMENT IN STATE-OPERATED AND STATE-SUPPORTED PROGRAMS SO THAT  
14 SUCCESSFUL SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT CAN BE  
15 EXPANDED AND SERVICES THAT DO NOT PRODUCE POSITIVE RESULTS CAN BE  
16 IDENTIFIED AND ADJUSTED APPROPRIATELY OR ELIMINATED;

17 (II) EVALUATE THE OUTCOMES OF THE CHILDREN AT 6-MONTH  
18 INTERVALS FOLLOWING DISCHARGE FROM AN OUT-OF-HOME PLACEMENT TO  
19 DETERMINE WHICH SERVICES BEST ENABLED THE CHILDREN TO MAINTAIN  
20 HEALTHY FUNCTIONING IN THEIR COMMUNITIES AND STAY OUT OF THE JUVENILE  
21 SERVICES SYSTEM; AND

22 (III) EFFECTIVELY ALLOCATE ITS RESOURCES, BASED ON  
23 DEMONSTRATED OUTCOMES.

24 (C) (1) AT A MINIMUM, THE SYSTEM OF OUTCOMES EVALUATION SHALL  
25 USE MEASURES OF FUNCTION TO EVALUATE THE CHILD'S:

26 (I) PROTECTION FROM HARM WHILE IN OUT-OF-HOME  
27 PLACEMENT;

28 (II) STABILITY OF LIVING ENVIRONMENT;

29 (III) FAMILY SITUATION AND EFFORTS TO TREAT AND COUNSEL  
30 THE FAMILY UNIT;

31 (IV) EDUCATIONAL OR VOCATIONAL DEVELOPMENT;

32 (V) JOB SKILLS AND EMPLOYMENT READINESS;

33 (VI) CESSATION OF DRUG AND ALCOHOL ABUSE;

34 (VII) PROGRESS TOWARD LEARNING NOT TO BE AGGRESSIVE; AND

35 (VIII) DELINQUENCY STATUS.

1           (2)     THE OFFICE SHALL ENSURE THAT THE CENTRALIZED DATABASE  
2 USED IN THE SYSTEM MAINTAINS CONFIDENTIALITY OF INFORMATION ON THE  
3 CHILDREN FROM THE COOPERATING DEPARTMENTS.

4     (D)     (1)     A COOPERATING DEPARTMENT SHALL FACILITATE THE  
5 PARTICIPATION OF RESIDENTIAL FACILITIES OPERATED BY THE DEPARTMENT OR  
6 PRIVATE AGENCIES WITH WHICH A DEPARTMENT HAS A CONTRACT FOR THE  
7 PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE.

8           (2)     A COOPERATING DEPARTMENT SHALL INCLUDE IN ITS CONTRACT  
9 WITH A PRIVATE LICENSED OUT-OF-HOME PLACEMENT FACILITY PROVISIONS  
10 REQUIRING THE FACILITY TO COLLECT AND REPORT TO THE DEPARTMENT:

11           (I)     CHILD SPECIFIC DEMOGRAPHIC INFORMATION; AND

12           (II)    DATA NECESSARY TO EVALUATE CHANGES IN FUNCTIONING  
13 OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

14     (E)     BY JANUARY 1, 2008, COOPERATING DEPARTMENTS SHALL ENSURE THAT  
15 ALL OUT-OF-HOME PLACEMENT FACILITIES, INCLUDING RESIDENTIAL CHILD CARE  
16 FACILITIES AND RESIDENTIAL TREATMENT CENTERS, PARTICIPATE IN THE  
17 UNIFORM SYSTEM FOR OUTCOMES EVALUATION.

18     (F)     SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY  
19 SEPTEMBER 1, 2005, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THEREAFTER,  
20 THE OFFICE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE  
21 PROGRESS OF DEVELOPING, TESTING, AND IMPLEMENTING THE SYSTEM FOR  
22 OUTCOMES EVALUATION FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

23 4.8.

24     (A)     THE SPECIAL SECRETARY SHALL ESTABLISH A PROGRAM TO PROVIDE  
25 THAT EACH CHILD IN THE STATE WHO IS IN A RESIDENTIAL CHILD CARE PROGRAM,  
26 AS DEFINED IN § 4.4 OF THIS ARTICLE, SHALL RECEIVE AN INDIVIDUAL SUMMER  
27 PLAN.

28     (B)     THE PURPOSE OF THE PROGRAM REQUIRED UNDER SUBSECTION (A) OF  
29 THIS SECTION IS TO PROVIDE INDIVIDUALIZED EDUCATIONAL AND RECREATIONAL  
30 ACTIVITIES IN THE SUMMER MONTHS FOR THE ENRICHMENT OF CHILDREN WHO  
31 ARE IN RESIDENTIAL CHILD CARE PROGRAMS.

32     (C)     BY JANUARY 1, 2006, AND BY JANUARY 1 OF EACH YEAR THEREAFTER,  
33 EACH RESIDENTIAL CHILD CARE PROGRAM SHALL REPORT TO THE AGENCY THAT  
34 LICENSED THE PROGRAM ON THE IMPLEMENTATION OF EACH INDIVIDUAL SUMMER  
35 PLAN.

36     (D)     THE OFFICE MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS  
37 OF THIS SECTION.

**Article 83C - Juvenile Services**

1-101.

(a) In this article the following words have the meanings indicated.

(b) "Department" means the Department of Juvenile Services.

2-120.

(a) The Department shall provide for care, diagnosis, training, education, and rehabilitation of children by placing them in group homes and institutions that are operated by any nonprofit or for-profit entity.

(b) (1) The Department shall reimburse these entities for the cost of these services at appropriate monthly rates that the Department determines, as provided in the State budget.

(2) The reimbursement rate may differ between homes and institutions that provide intermediate services, as defined by the Department, and homes and institutions that provide full services.

(c) The Department may not place a child in a group home or other residential facility that:

(1) [is] IS not operating in compliance with applicable State licensing laws; AND

(2) DOES NOT MEET THE PROVISIONS OF § 2-120.1(A) OF THIS SUBTITLE.

(A) AFTER JANUARY 1, 2006, A CHILD COMMITTED TO THE DEPARTMENT MAY NOT BE PLACED IN A GROUP HOME OR RESIDENTIAL FACILITY THAT ALSO ACCEPTS CHILDREN COMMITTED TO ANY OTHER UNIT OF STATE GOVERNMENT.

(B) THE DEPARTMENT SHALL ENSURE THAT, BY JANUARY 1, 2008, EACH CHILD IN THE CUSTODY OF THE DEPARTMENT WHO IS IN A RESIDENTIAL PROGRAM IS IN A STATE-FUNDED, REGIONAL FACILITY OPERATED BY THE DEPARTMENT.

**Article - Family Law**

5-101.

In this title, "Department" means the Department of Human Resources.

5-526.

(a) (1) The Department shall provide for the care, diagnosis, training, education, and rehabilitation of children by placing them in group homes and institutions that are operated by for-profit or nonprofit charitable corporations.

1 (2) Any group home utilized under the provisions of this section shall  
 2 comply with the provisions of §§ 5-507 through 5-509 of this subtitle and § 7-309 of  
 3 the Education Article.

4 (3) The department that licenses the group home shall notify any group  
 5 home utilized under the provisions of this section of the requirements of § 7-309 of  
 6 the Education Article.

7 (4) ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS  
 8 SECTION SHALL MAKE A QUARTERLY REPORT TO THE DEPARTMENT OF THE GROUP  
 9 HOME'S:

10 (I) EFFORTS TO PROVIDE OUTSIDE SERVICES TO ITS RESIDENTS;

11 (II) INVOLVEMENT IN THE CHILD'S EDUCATION;

12 (III) EFFORTS TO PROVIDE RECREATIONAL ACTIVITIES FOR EACH  
 13 CHILD IN THE HOME;

14 (IV) COLLABORATION WITH SOCIAL WORKERS AND PROBATION  
 15 OFFICERS ON THE CHILD'S BEHALF; AND

16 (V) EFFORTS TO GET THE FAMILY INVOLVED IN THE CHILD'S LIFE  
 17 WHEN APPROPRIATE FOR THE CHILD'S TREATMENT.

18 (b) (1) The Department shall reimburse these corporations for the cost of  
 19 these services at appropriate monthly rates that the Department determines, as  
 20 provided in the State budget.

21 (2) The reimbursement rate may differ between homes and institutions  
 22 that provide intermediate services, as defined by the Department, and homes and  
 23 institutions that provide full services.

24 (c) (1) The Department, or the Department's designee, may not place a child  
 25 in a [residential] group home or [other] A RESIDENTIAL facility that is not operating  
 26 in compliance with applicable State licensing laws.

27 (2) THE DEPARTMENT, OR THE DEPARTMENT'S DESIGNEE, MAY NOT  
 28 PLACE A CHILD IN A GROUP HOME OR RESIDENTIAL FACILITY WITHOUT FIRST  
 29 MAKING AN ON-THE-RECORD DETERMINATION THAT THE PLACEMENT IS  
 30 APPROPRIATE FOR THE PROPER TREATMENT OF THE CHILD.

31 **Article - Education**

32 8-418.

33 AS PROVIDED IN ARTICLE 49D, § 4.7 OF THE CODE, THE DEPARTMENT SHALL  
 34 COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF  
 35 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME  
 36 PLACEMENT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2004.